

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

PIPE FITTERS' RETIREMENT FUND, LOCAL 597;)	
PIPE FITTERS' WELFARE FUND, LOCAL 597;)	A CIVIL ACTION
PIPE FITTERS TRAINING FUND, LOCAL 597;)	
CHICAGO AREA MECHANICAL CONTRACTING)	
INDUSTRY IMPROVEMENT TRUST;)	CASE NO.: 15-cv-10811
PIPE FITTERS' INDIVIDUAL ACCOUNT and)	
401(K) PLAN;)	
THE PIPE FITTERS' ASSOCIATION, LOCAL 597)	JUDGE: St. Eve
U.A.; and)	
PIPE FITTING COUNCIL OF GREATER)	
CHICAGO,)	MAG. JUDGE: Cole
)	
Plaintiffs,)	
)	
vs.)	
)	
TITAN MECHANICAL, LLC, an Illinois Limited)	
Liability Company,)	
)	
Defendant.)	

MOTION FOR FINAL JUDGMENT IN SUM CERTAIN

Now come Plaintiffs, the PIPE FITTERS' RETIREMENT FUND, LOCAL 597 *et al.*, by and through their attorneys, JOHNSON & KROL, LLC, and move this Honorable Court for entry of Final Judgment in favor of Plaintiffs and against Defendant TITAN MECHANICAL, LLC ("TITAN MECHANICAL") and in support thereof, state as follows:

1. On December 2, 2015, Plaintiffs filed their Complaint in the above-captioned matter. (Docket No. 1).
2. On January 15, 2016, this Honorable Court entered an Order of Default against TITAN MECHANICAL. (Docket No. 13).
3. Pursuant to the Order of Default, Plaintiffs were granted leave to "petition this Court to obtain a Judgment in Sum Certain upon completion of the audit, which will include

Plaintiffs' claims for contributions, liquidated damages, interest and attorney's fees and costs pursuant to the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. § 1132(g)(2)(D)." (Docket No. 13).

4. Pursuant to a payroll compliance audit conducted for the period of TITAN MECHANICAL owes Plaintiffs the aggregate amount of \$126.96 in unpaid 401(k) elective deferrals, liquidated damages, and interest for the period of July 1, 2013 through November 30, 2014. (Affidavit of Michael Maloney is attached as Exhibit 1).
5. Defendant TITAN MECHANICAL is required to pay the Plaintiffs' reasonable attorney's fees and costs pursuant to the Collective Bargaining Agreement, Trust Agreements and 29 U.S.C. §1132(g)(2)(D).
6. To date, Plaintiffs have incurred \$11,355.99 in attorney's fees and costs. (Affidavit of Nicollette L. Khuans is attached as Exhibit 2).
7. A proposed Final Judgment in Sum Certain Order has been submitted to the Court.

WHEREFORE, Plaintiffs request the following:

- A. That a Final Judgment be entered in favor of Plaintiffs and against Defendant TITAN MECHANICAL LLC in the aggregate amount of \$11,482.95 which is itemized as follows:
 1. \$92.00 in unpaid 401(k) elective deferrals revealed in the payroll compliance audit for the period of July 1, 2013 through November 30, 2014;
 2. \$9.20 in unpaid liquidated damages for failure to timely pay 401(k) elective deferrals revealed in the payroll compliance audit for the period of July 1, 2013 through November 30, 2014;

3. \$25.76 unpaid interest for failure to timely pay 401(k) elective deferrals revealed in the payroll compliance audit for the period of July 1, 2013 through November 30, 2014; and
 4. \$11,355.99 in attorney's fees and costs.
- B. That Plaintiffs have such other and further relief as the Court may deem just and equitable all at the Defendant's cost, pursuant to 29 U.S.C. §1132(g)(2)(E).

Respectfully Submitted,

**PIPE FITTERS' RETIREMENT FUND,
LOCAL 597 *et al.***

/s/ Nicollette L. Khuans – 6320914
One of Plaintiffs' Attorneys

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